Remarks:

Reconsideration of the application is respectfully requested.

Claims 1, 3, 5, 6 and 8 - 14 are presently pending in the application. Claims 2, 4, 7 and 15 were previously canceled. As it is believed that the claims were patentable over the cited art in their original form, the claims have not been amended to overcome the references.

Applicant gratefully acknowledges that item 5 of the above-identified Office Action indicated that claims 1 and 3 were allowed. Additionally, Applicant gratefully acknowledges that item 4 of the Office Action indicated that claims 8, 12 and 13 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. **Applicant notes that the rejected claims 9 - 11 depend from the allowed claim 1, and thus, should also be in condition for allowance.**

In item 3 of the Office Action, claims 5, 6, 9 - 11 and 14 were rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U. S. Patent No. 6,594,273 to McGibney ("**MCGIBNEY**").

Applicant respectfully traverses the above rejections.

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First, as stated above, Applicant's claims 9 - 11 depend from

an allowed claim (claim 1), and thus, are believed to also be

in condition for allowance.

Further, Applicant's independent claim 5 recites, among other

limitations:

> nodes transmitting data to one another in a predefined
> sequence for a predefined duration, a plurality of
> said nodes outputting a synchronization signal
> defining a reference time for a synchronization of
> said nodes, said synchronization signal having a
> duration which is longer than a maximum signal transit
> time occurring inside the network, **wherein a
> respective node of said nodes wishing to synchronize
> with one or more others of said nodes** <u>**initially
> observes**</u> **for a predetermined time to determine whether
> another one of said nodes is outputting the
> synchronization signal or other data, and, if another
> one of said nodes is** <u>**not**</u> **outputting the
> synchronization signal or other data,** <u>**said respective
> node outputs the synchronization signal**</u>**;** [emphasis
> added by Applicant]

Similarly, Applicant's claim 14 recites, among other

limitations:

> a respective node of said nodes wishing to synchronize
> with one or more others of said nodes initially
> observing for a predetermined time to determine
> whether another one of said nodes is outputting the
> synchronization signal or other data, and, **if another
> one of said nodes is** <u>**not**</u> **outputting the
> synchronization signal or other data, said respective
> node outputting the synchronization signal and further
> data which identifies said respective node** in a time
> slot assigned to said respective node after outputting
> the synchronization signal or receiving the
> synchronization signal from another one of said nodes.
> [emphasis added by Applicant]

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As such, Applicant's claims 5 and 14 require, among other limitations, **that a node ensures that <u>no other node is outputting a synchronization signal</u>, prior to that node outputting a synchronization signal**. The above limitations of Applicant's claims 5 and 14, among others, are not taught, suggested or rendered obvious by the **MCGIBNEY** patent. In fact, the Office Action acknowledges on page 2 that the **MCGIBNEY** patent does not teach or suggest the above-limitations of Applicant's claims 5 and 14, stating:

> McGibney does not specifically describe that the respective node outputs the sync signal after determining whether and when no other nodes are outputting a sync signal.

However, the Office Action goes on to allege, on page 3, in part:

> McBiney [sic] teaches that each node listens to sync signals from other nodes at random intervals. This suggests that McBiney [sic] teaches the avoiding of collision between sync signals from other nodes and its own generation of a sync signal during the sync slot [sic] A carrier sense multiple access with collision diction or CSMA/CD is well known and widely used in the art for a distributed network without a master node, such as used by McBiney [sic]. See col. 2, line 46 - col. 3, line 10. Thus, it would have been obvious to one skilled in the art at the time the invention was made to require the nodes of the synchronous network of McBiney [sic] to generate a sync signal after determining whether and when no other nodes are outputting a sync signal in order to avoid a collision with another nodes [sic] similarly attempting to output sync signals.

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Applicant respectfully disagrees with the statement made on

page 3 of the Office Action, alleging that the **MCGIBNEY**

reference (or "McBiney" reference, as repeatedly alleged in

the Office Action) renders obvious the invention of

Applicant's claims 5 and 14. More particularly, **MCGIBNEY** does

not provide the motivation suggested in the Office Action

(i.e., "to avoid a collision with other nodes"). Further,

MCGIBNEY teaches away from the modification suggested in the

Office Action.

More particularly, the **MCGIBNEY** reference specifically

discloses that the terminals on the network are synched by

simultaneously transmitting their sync signals. This can be

seen from col. 2 of **MCGIBNEY**, lines, 46 - 61, which state:

> **Such a routing scheme requires that each terminal have
> its TDMA slot and sub-slot boundaries synchronized to
> every other terminal in the network.** Normally a
> single master clock sets the pace of the TDMA frame
> and rest of the radio terminals contain slave clocks
> that lock to this master. Since this particular
> network must operate without a base station or network
> controller, it does not have a single master clock.
> Instead all of the active terminals behave as both
> slave clocks and master clocks simultaneously to
> achieve network synchronization. **All active terminals
> simultaneously transmit identical signals during
> special synchronization slots set aside in the TDMA
> frame.** At random intervals, each terminal disables
> its transmitter and listens to the synchronization
> signals from the other terminals **in order to measure
> and correct** the time offset of its clock with respect
> to the rest of the network.

As such, contrary to the statement made on page 3 of the Office Action, the terminals in the **MCGIBNEY** reference do **not** listen so as to suggest an anti-collision mechanism. Rather, **MCGIBNEY** discloses that all terminals transmit their sync signal **simultaneously,** so that the signals **will all collide** (i.e., occur simultaneously). Then, in **MCGIBNEY,** terminals listen (at random intervals) to whether they are out of sync with each other, i.e., if that terminal's sync signal would not have been transmitted **simultaneously** with, and thus, would **not** have collided with, those transmitted by the other terminals. However, Applicants' claims require, among other things, **listening "and, if another one of said nodes is not outputting the synchronization signal or other data, said respective node outputs the synchronization signal"** The system of **MCGIBEY would not** after listening to the network, have the listening terminal **transmit its own sync signal if another one of the the nodes is not outputting the sync signal,** as required by Applicant's claims 5 and 14. More particularly, in **MCGIBNEY,** the sync signal is **always put out at a particular time,** regardless of whether another one of the nodes has been determined to be sending **or not.** This can be further seen from col. 2 of **MCGIBNEY,** line 62 - col. 3, line 10, which states:

> The function of the master clock is distributed
> throughout all of the active terminals. Each terminal
> measures the frequency offset between its internal

reference clock and the rest of the network and then tries to move the frequency of the network toward its reference. The terminals do not try to influence the speed of the network directly by adjusting the frequency of their internal clocks; instead they influence the speed of the network indirectly by adjusting the transmission time of their synchronization signals. **If a terminal transmits its synchronization signal earlier than usual, then the rest of the network will react by speeding up. If it transmits later, the rest of the network will react by slowing down.** Effectively, each terminal applies a synchronization "force" to the rest of the network. When the forces pushing to go slower balance the forces pushing to go faster, the network assumes a stable frequency. [emphasis added by Applicant]

Thus, **no terminal** in **MCGIBNEY** **listens**, for the purpose of

determining whether another terminal is transmitting a

synchronization signal or other data, **and upon determining**

that no other terminal is transmitting, **transmits its own**

synchronization signal. As such, there is no teaching,

suggestion or motivation in **MCGIBNEY** to modify its teachings

in the manner suggested in the Office Action. Rather, in

MCGIBNEY sync signals are output **periodically**, **without** first

listening, with the **intention** that they be output

simultaneously. In **MCGIBNEY**, a terminal that is out of sync,

thus, resultantly outputs its sync signal (i.e., without first

listening, as required by Applicants' claims 5 and 14) and the

listening terminals speed up or slow down to match the

terminal. However, the listening terminals do not, then,

output a synchronization signal, if one is not detected in

response to their listening, as required by Applicants' claims

5 and 14.

In summary, in **MCGIBNEY**, terminals outputting a

synchronization signal do not first listen, as it is intended

that the synchronization signals collide and listening

terminals do not, resultantly, output a synchronization signal

when it is determined no other terminal is transmitting. As

such, Applicants' claims are not taught, suggested or obvious

over the **MCGIBNEY** reference.

It is accordingly believed that none of the references,

whether taken alone or in any combination, teach or suggest

the features of claims 1, 5 and 14. Claims 1, 5 and 14 are,

therefore, believed to be patentable over the art. The

dependent claims are believed to be patentable as well because

they all are ultimately dependent on claims 1 or 5.

Finally, Applicant appreciatively acknowledges the Examiner's

statement that claims 8, 12 and 13 "would be allowable if

rewritten in independent form including all of the limitations

of the base claim and any intervening claims." In light of

the above, Applicant respectfully believes that rewriting of

claims 8, 12 and 13 is unnecessary at this time.

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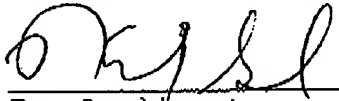Responsive to Office Action of March 12, 2007

In view of the foregoing, reconsideration and allowance of

claims 1, 3, 5, 6 and 8 – 14 are solicited.

In the event the Examiner should still find any of the claims

to be unpatentable, counsel would appreciate receiving a

telephone call so that, if possible, patentable language can

be worked out.

If an extension of time for this paper is required, petition

for extension is herewith made.

Please charge any fees that might be due with respect to

Sections 1.16 and 1.17 to the Deposit Account of Lerner

Greenberg Stemer LLP, No. 12-1099.

Respectfully submitted,

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For Applicant

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